

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 05-11803-MLW

SHENIA DANCY-STEWART as  
Administratrix of the Estate of EVELINE  
BARROS-CEPEDA,  
Plaintiffs,

v.

THOMAS TAYLOR, Jr., and the CITY  
OF BOSTON,  
Defendants.

**DEFENDANTS CITY OF BOSTON'S AND THOMAS TAYLOR'S MOTION FOR  
LEAVE TO TAKE DEPOSITION OF BRIMA WURIE  
pursuant to fed. R. civ. P. 30(A)(2)**

Defendants, City of Boston and Thomas Taylor, Jr. ("Defendants"), move this Honorable Court to take the deposition of Brima Wurie pursuant to Fed. R. Civ. P. 30(a)(2). The Plaintiff, by and through his attorney, Andrew Stockwell-Alpert, has stated that he will not oppose this motion.

As grounds for this motion, the Defendants state the following

1. In this case, the Plaintiff has made several civil rights and wrongful death claims against the Defendants which the Defendants vehemently deny. Each of Plaintiff's claims arises from the alleged conduct of Boston police officers in response to pursuing a fleeing motor vehicle driven by Brima Wurie Jr. on September 8, 2002. On that date, after Mr. Wurie failed to stop for a red light and failed to stop for a police officer on several occasions, he struck and injured a uniformed police officer with his motor vehicle. Subsequently, Eveline Barros-Cepeda, a back seat passenger in the vehicle driven by Mr. Wurie was fatally shot. Her estate has brought the above-captioned action.
2. Criminal charges related to the September 8, 2002 incident were later brought and sustained against Mr. Wurie. Mr. Wurie then pled guilty to several charges, including an assault and battery with a dangerous weapon charge (G.L. 265, § 15A(b)) which related to his conduct during the September 8, 2002 incident in which he struck Boston Police Officer Michael Paillant with his motor vehicle. Mr. Wurie also pled guilty to additional charges relating to the September 8, 2002 incident including: unlicensed operation of a motor vehicle (G.L. c. 90, § 10), negligent operation of his motor vehicle (G.L. c. 90,

§ 24(2)(a)), leaving the scene of a personal injury (G.L. c. 90, § 24 (2)(a 1/2)(1)); and accessory after the fact (G.L. c. 90, § 10).

3. On November 9, 2007, a deposition subpoena for Brima Wurie was served at Mr. Wurie's last known address, 51 Speedwell Street, Apt. #1, Dorchester, MA, and Mr. Wurie's deposition was scheduled for November 26, 2007 at 10:00 a.m.
4. Subsequent to service of the deposition subpoena, counsel for the Defendants and counsel for the Plaintiff became aware that Mr. Wurie is currently incarcerated in the Suffolk County Jail at Nashua Street, 200 Nashua Street, Boston, MA on charges unrelated to the September 8, 2002 incident.
5. Accordingly, Mr. Wurie's deposition did not go forward.
6. Given Mr. Wurie's involvement with the events of September 8, 2002, his testimony has relevance to the Plaintiff's allegations.
7. Allowing the Defendants to take the deposition of Mr. Wurie furthers the interests of justice.
8. Allowing this motion will not prejudice any party to the action.
9. Plaintiff's counsel has indicated that he will not oppose this motion.
10. By way of further background, the Defendants also state that this Court has currently pending the parties' *Joint Motion to Extend Discovery and Other Deadlines*, which was filed on October 3, 2007.

*WHEREFORE:* The Defendants City of Boston and Thomas Taylor, Jr. respectfully requests that this Honorable Court allow their motion to grant leave to take the deposition of Brima Wurie, Jr.

Respectfully submitted,  
DEFENDANTS, THOMAS TAYLOR, JR.  
AND CITY OF BOSTON,

By their attorneys:

/s/ Helen G. Litsas

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Helen G. Litsas #644848  
Special Assistant Corporation Counsel  
Hollett Building  
38 Main Street  
Saugus, MA 01906  
(781) 231-8090

Evan C. Ouellette, BBO # 655934  
Assistant Corporation Counsel  
City of Boston Law Department  
Room 615, City Hall  
Boston, MA 02201  
(617) 635-4048

**CERTIFICATE OF SERVICE**

I, Helen G. Litsas, hereby certify that on this date I served a copy of the foregoing documents upon lead plaintiff's counsel, Andrew Stockwell-Alpert, by electronic filing and by postage prepaid, first class, U.S. Mail.

11/30/07      /s/ Helen G. Litsas

Date          Helen G. Litsas

**CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)**

Pursuant to L.R. D. Mass. 7.1(A)(2), I hereby certify that on November 30, 2007, I communicated with Plaintiff's Attorney, Andrew Stockwell-Alpert, regarding *Defendants Thomas Taylor and City of Boston's Motion for Leave to Take the Deposition of Brima Wurie, Jr. Pursuant to Fed R Civ. P. 30 (a)(2)*, and he stated that he would not oppose this motion the above motion.

11/30/07      /s/ Helen G. Litsas

Date            Helen G. Litsas